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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,603	04/06/2000	NICOLA JOHN POLICICCHIO	6873	1426

7590

09/09/2003

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EXAMINER

WINTER, GENTLE E

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/509,603

Applicant(s)

POLICICCHIO ET AL.

Examiner

Gentle E. Winter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-37,39-47,49 and 51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 31,33-37,39-47,49 and 51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendments & Arguments

1. The obviousness type double patenting rejection is withdrawn in view of the proper terminal disclaimer.
2. The 35 USC §112 were and remain withdrawn in light of previously advanced arguments/amendments.
3. The clarification that volatile alkaline compound is an alkanolamine seemingly distinguishes the claims from xylene sulphonate and the indicated alcohols.
4. The claim amendment has necessitated new grounds of rejection. Additionally, the previously indicated allowable claims are now rejected.

Claim Rejections - 35 USC § 103—Maintained

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 31, 33-37, 39, 42, 45, 49 and 51, are rejected under 35 U.S.C. 103(a) as being unpatentable over EPO 0 503 219 A1 ('219) and United States Patent No. 5,538,664 to Michael and United States Patent No. 5,638,569 to Newell (Newell).
3. With specific respect to claim 31, 33, 37, and 49, drawn to a kit comprising an element, a pad containing superabsorbent material having a capacity for water of at least 15g/g when

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measured under a confining pressure of 0.3 PSI, and a detergent composition containing no more than about 0.4% by weight of detergent surfactant, less than 5% by weight of a solvent, and an alkanolamine in an amount sufficient to provide a pH of more than about 9, said alkaline material comprising a volatile alkanolamine. Claim 49 discloses that the volatile alkanolamine is 2-amino 2-methylpropanol. As to the first limitation drawn to the presence of a superabsorbent capable of absorbing at least 15 g/g Newell discloses a mop with a superabsorbent head see e.g. column 10 line 62 *et seq.* Superabsorbents generally have a retention range from order 10 g/g to order 100 g/g or more for demineralized water. For instance acrylamide potassium acrylate copolymer has a 60g/g capacity, marketed under the name AQUASORB®.

4. As to the limitation regarding the detergent composition containing no more than about 0.4% by weight of detergent surfactant, less than 5% by weight of a solvent, and an alkanolamine in an amount sufficient to provide a pH of more than about 9; the '219 reference discloses a cleaning composition for the cleaning of hard surfaces, see e.g. title, and a detergent with a surfactant with 0.04%-1% of surfactant, from 0.001% to 1% of an alkanolamine. See page 4 line 4. More specifically, 2-aminomethyl propanol, is taught as a specific alkanolamine at *inter alia* page 2, line 46. The solvent disclosed in claims 39,42, and 45 is similarly disclosed in '219 in the amount 3%-10% at page 3, line 50 *et seq.* Because the composition is the seemingly identical the pH would apparently be identical. However, to be rigorous, Michael discloses a composition having a pH of from about 6 to about 12.5, preferably from about 7 to about 11.5, more preferably from about 10 to about 11.5, for cleaning. Michael further discloses that the compositions can also contain, optionally, small amounts of additional surfactants and/or

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buffering system, “especially the alkanolamines described hereinafter” to maintain the desired pH. See e.g. column 1, line 25 *et seq.* of Michael. While the claimed pH is believed to be inherent in ‘219, Michael is provided for an explicit teaching. To the extent that the pH was not adjusted in ‘219, the artisan would have been motivated to adjust the pH to facilitate improved cleaning. Additionally, the pH may be kept fairly high to control compositional stability and preserve product efficacy.

5. Each and every limitation of claims 31, 33, 37, and 49 is disclosed in ‘219 and Michael the as set forth above, except that ‘219 and Michael fail to explicitly disclose use with the superabsorbent mop. The compositions are disclosed for use with cleaning hard surfaces but the specific type of mop is not disclosed. Newell provides the missing element and explicitly provides the motivation for making the instant combination. Specifically, Newell provides “For example, in a single-use mop application, the strand elements may be impregnated or otherwise have associated therewith a super-absorbent material. Such super-absorbents, or hydrogels, may be of any suitable type, and are readily commercially available from a variety of sources”, Newell goes on to enumerate *inter alia* “Aquasorb” sorbent manufactured by Aqualon, Wilmington, Del. See e.g. column 10 line 62 *et seq.* Newell also provides the motivation for making the combination, namely: “In order to enhance fluid take-up and retention capacity in wet mopping applications”. See e.g. column 10 line 62 *et seq.*

6. As to claims 34, 35, and 36 disclosing that the composition used in the process includes a subs suppressor and is used on a ceramic floor or other specified floor. With respect to the

limitation that the floor be ceramic, it has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. *Ex parte Pfeiffer*, 1962 C.D. 408 (1961). As to the suds suppressor, this is a common additive and was well within the grasp of the artisan at the time of invention. Michael discloses the same in claim 7. One motivation for including a suds control system is to optimize cleaning performance, and minimize or eliminate required rinsing.

7. Claims 40, 41, 43, 44, 46, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over EPO 0 503 219 A1 ('219) and United States Patent No. 5,538,664 to Michael and United States Patent No. 5,638,569 to Newell (Newell) and English Patent 1,357,323 ('323). Each and every limitation of claims 40, 41, 43, 44, 46, and 47 is disclosed in the combination of '219, Michael, and Newell as set forth above, except that the combination fails to explicitly disclose the specifically claimed thickener. It is noted that both the '219 reference and Michael disclose polymers, but neither specifically discloses the polymers claimed. The '323 reference discloses both the specific polymer, and the claimed concentration; both the '323 and '219 references provide the requisite motivation for making the instant combination. The '323 reference discloses using *inter alia* guar gum at page 1, column 2, line 50 *et seq.* The artisan would have been motivated to use a thicker for controlled pouring. The '219 reference discloses using thickeners at *inter alia* page 3, line 53 *et seq.* The artisan would have been motivated to select the specific polymers claimed for the reason explicitly set forth in the '323 reference at page 1, column 1, line 25 *et seq.* disclosing "the use of hydrocolloids can give economic benefit

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by enabling the complete or partial replacement of the more expensive foam retarding agents such as silicones.” The disclosed concentration, page 2 line 1 *et seq.* is 0.05% to 0.5%, which reads on the claimed 0.0001% to 0.2%.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gentle E. Winter whose telephone number is (703) 305-3403.

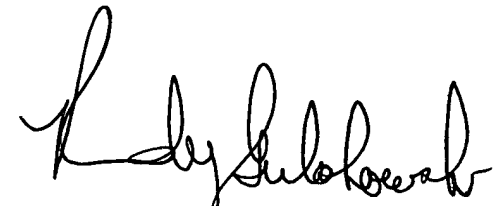
The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Randy P. Gulakowski can be reached on (703) 308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications. The direct fax number for this examiner is (703) 746-7746.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Gentle E. Winter
Examiner
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August 29, 2003

A handwritten signature in black ink, appearing to read 'Randy Gulakowski', written in a cursive style.

RANDY GULAKOWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700